

FILE COPY

IN THE CHANCERY COURT OF THE STATE OF TENNESSEE
TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY

STATE OF TENNESSEE, ex rel.
LESLIE A. NEWMAN, Commissioner of
Commerce and Insurance for the State
of Tennessee,

Petitioner,

v.

UNIVERSAL CARE OF TENNESSEE,
etc.,

Respondents.

No. 03-1614-II

FILED
2008 MAR -7 PM 2:45
CLERK & MASTER
DAVIDSON CO. CHANCERY CT.
D.C. & M.

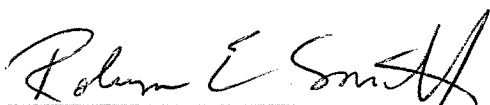
NOTICE TO RESET MOTION FOR APPROVAL
OF FINAL DISTRIBUTION OF ASSETS

Pursuant to the Court's instruction, the hearing on this matter is continued to March 28,
2008 at 9:00 a.m.

Respectfully submitted,

HUBBARD, BERRY & HARRIS, PLLC

By:



William B. Hubbard

(2770)

Robyn E. Smith

(16297)

SunTrust Bank Building, Suite 1420

201 Fourth Avenue, North

Nashville, Tennessee 37219

(615) 251-5444

Attorneys for Universal Care of Tennessee in Liquidation

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document has been forwarded by first class mail to the following individuals on this the 7th day of March, 2008:

Michelle Long
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Tennessee Hospital Association
500 Interstate Blvd. South
Nashville, TN 37210

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Tennessee Association for Home Care
131 Donelson Pike
Nashville Tn. 37214-2901

David Steed
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P.O. Box 190695
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Melissa Wilson
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4733 Holly Springs Road
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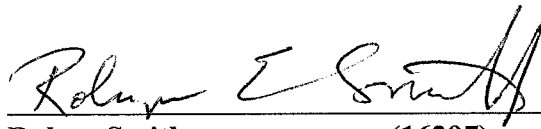
Sarah Hiestand
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425 Fifth Avenue North
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211 Seventh Ave. North
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General Counsel's Office
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110 Winners Circle, 1st Fl
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Robyn Smith (16297)

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Respondents.

No. 03-1614-II

CLERK & MASTER
DAVIDSON CO. CHANCERY CT.
D.C. & M.

2008 MAR -7 AM 8:17

FILED

~~RESPONSE TO OBJECTION OF CROCKET HOSPITAL~~
~~MEMORANDUM IN SUPPORT OF MOTION FOR~~
~~ORDER APPROVING THE VALUATION AND REPORT OF CLAIMS~~
~~AND THE FINAL DISTRIBUTION OF ASSETS~~

LifePoint's Submission of Pre-period Claims

Richard Flores states that he clearly recalls the circumstances of his hand delivery of five hospitals' consolidated pre-period claims on the afternoon of June 15, 2004, as he was rushing to meet the time deadline. He states that he did not receive a receipt for the claims he submitted. On June 15, 2004, UCT issued a receipt to Mr. Flores at 2:30 p.m., two hours before the deadline. The receipt is Exhibit 1 to the affidavit of Geoffrey Lee. The receipt was completed by Mr. Flores. (Aff. of Lee.) Mr. Flores wrote on the receipt that he is delivering claims for Athens Hospital, Livingston Hospital, Hillside Hospital, and So. Tenn./Emerald Hongden Hospital. Mr. Flores did not write on the receipt that he is delivering claims for Crockett Hospital. UCT received no claims for Crockett Hospital. (Aff. of Lee.)

Mr. Flores states that he has had no communication with the Deputy Liquidator since

June 15, 2004. Mr. Flores is solely responsible for LifePoint's claims filing, yet in the 3 ½ years since the claims filing deadline, has not inquired of the liquidation about claims for Crockett Hospital. One would think that Mr. Flores would have called or written the liquidation sometime within the last 3 ½ years to ask about Crockett Hospital's claims after other LifePoint hospitals received correspondence or notices regarding their claims.

Notice of Motion

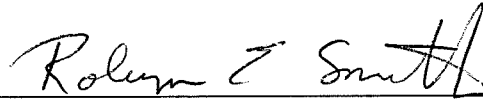
The liquidation has no statutory obligation to mail copies of the motion for approval of distribution to providers. All providers who submitted claims have already been notified and given an opportunity to object to the determination of their claims. (Aff. of Eggers.) The liquidator's only statutory obligation of notice to providers who do not submit claims is the provision requiring the Notice of Liquidation to be mailed to potential claimants. *Tenn. Code Ann. § 56-9-311(a)*. That obligation was met. (Aff. of Eggers.)

Although there is no statutory requirement to take any action to notify providers of the motion, the SDL sent copies of the motion documents to the Tennessee Hospital Association, the Hospital Alliance of Tennessee, and Tennessee Medical Association and asked them to post the documents on their websites and to notify their members of the motion. The motion was also posted on UCT's website and on the Tennessee Department of Commerce and Insurance's website. (See Aff. of Eggers.) This is essentially the same procedure that was employed in connection with the distribution of assets in the liquidation of Tennessee Coordinated Care Network, Case No. 01-3206-III. Exh. 1.

Respectfully submitted,

HUBBARD, BERRY & HARRIS, PLLC

By:



William B. Hubbard

(2770)

Robyn E. Smith

(16297)

SunTrust Bank Building, Suite 1420

201 Fourth Avenue, North

Nashville, Tennessee 37219

615-251-5468

Attorneys for Liquidator of Universal Care of Tennessee

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document has been forwarded by first class mail to the following individuals on this the 7th day of March, 2008:

Sarah Hiestand
Tennessee Attorney General's Office
425 Fifth Avenue North
Nashville, Tennessee 37243

Betty Boner
General Counsel
State of Tennessee TennCare Bureau
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Michelle Long
General Counsel
Tennessee Hospital Association
500 Interstate Blvd. South
Nashville, TN 37210

David Steed
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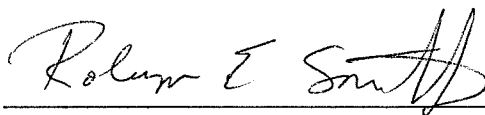
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110 Winners Circle, 1st Floor
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President
Hospital Affiliates of Tennessee
211 Seventh Ave. North
Nashville, Tn. 37219

Mary Jo Price
General Counsel's Office
Vanderbilt University
2100 West End Ave., Ste. 750
Nashville Tn. 37203



Robyn E. Smith

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE
TWENTIETH JUDICIAL DISTRICT

RECEIVED
JUL 18 2007
Dav. Co. Chancery Court

STATE OF TENNESSEE, ex rel.
LESLIE A. NEWMAN,

Petitioner,

v.

TENNESSEE COORDINATED
CARE NETWORK,
MEDICAL CARE MANAGEMENT
COMPANY, and
ACCESS HEALTH SYSTEMS, INC.
Respondents.

No: 01-3206-III

2007 JUL 24 AM 8:54
CLEAN & MASTER
DAVIDSON CO. CHANCERY CT.
D.C. & M.

FILED

REVISED ORDER APPROVING FINAL DISTRIBUTION TO CLASS 2 CLAIMANTS

Comes Leslie A. Newman, Commissioner of the Tennessee Department of Commerce and Insurance and Liquidator for Tennessee Coordinated Care Network ("TCCN"), by her Special Deputy Liquidator, Paul Eggers ("the SDR"), and moves this Court for an order authorizing the SDR to do the following:

1. To distribute the remaining assets of TCCN, pursuant to Tenn. Code Ann. § 56-9-332, in the amount of \$11,863,669.08, less a reserve for anticipated expenses associated with winding down the estate in the approximate amount of \$70,000.00, to Class 2 claimants as set out in the Final Distribution Schedule filed simultaneously;

2. To move all remaining documents and records in the possession of the SDR to Ted Sanders Moving and Storage, located at 7149 Centennial Boulevard, Nashville, Tennessee 37209, for storage for such time as is necessary to comply with state and federal document retention requirements and to destroy said records at the conclusion of that statutory period; and

EXHIBIT

1

3. To deposit any unclaimed funds with the state treasurer pursuant to the provisions of Tenn. Code Ann. § 56-9-333.

The SDR further states that, in addition to serving copies of this motion, with exhibits, upon all counsel of record, he will also do the following:

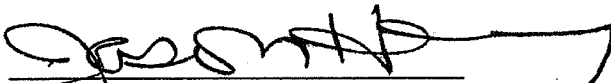
(a) Post a copy of the Final Distribution Schedule on the website of the Tennessee Department of Commerce and Insurance; and

(b) Request that the Hospital Alliance of Tennessee, the Tennessee Medical Association, and the Tennessee Hospital Association distribute a copy of the Final Distribution Schedule to their members.

ENTERED this _____ day of _____, 2007. (EAL)

4. This is not a final order. Counsel anticipates submission of a final order closing the estate in October, 2007.
Elmer Hobbes Lyle
Chancellor

APPROVED FOR ENTRY:


Jason Holleman (#19806)
William H. Farmer (#3771)
Farmer & Luna, PLLC
333 Union Street, Suite 300
Nashville, Tennessee 37201
(615) 254-9146

Special Counsel for TCCN SDR

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing has been mailed, first-class,
postage prepaid, on this 18th day of July, 2007 to the following:

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Andy Rowlett, Esq.
300 James Robertson Parkway
Nashville, TN 37201-1107


Special Counsel

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**AFFIDAVIT OF GEOFFREY LEE
REGARDING OBJECTION OF CROCKET HOSPITAL, LLC AND
LIFEPOINT HOSPITALS, INC.**

1. My name is Geoffrey Lee. I have worked as a contract worker of Universal Care of Tennessee in Liquidation (UCT) since UCT was placed in liquidation on July 2, 2003.

2. My duties at UCT include managing provider claims records. I oversaw the logging and tracking of all claimant filings with the liquidation through manual document control and data base development and administration.


3. On June 15, 2004, UCT issued a Receipt to Richard Flores for claims he delivered. The Receipt is attached as Exhibit 1. Mr. Flores completed the Receipt noting that he was delivering claims for Athens Hospital, Livingston Hospital, Hillside Hospital, and So. Tenn./Emerald Hongden Hospital. Mr. Flores did not write on the Receipt that he was delivering claims for Crockett Hospital and no claims were received for Crockett Hospital. Although I have no specific memory of Mr. Flores delivering the documents, he would have given them to me because I signed the Receipt.

4. Mr. Flores's delivery contained Preliminary Liquidation Advice (PLA) Acceptance Forms and/or Proofs of Claims (POCs) from Livingston Regional Hospital, Hillside Hospital and Southern Tennessee Medical Center.

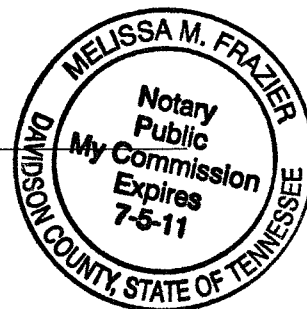
5. Although Mr. Flores indicated on the Receipt that he was delivering claims for Athens Hospital, no such documents were contained in his submission. UCT received a POC

6. UCT's data base of provider records, which I oversee, reflects that in January 2004, Notices of Liquidation were mailed to 13,852 providers.

7. I generated Exhibit 1 to the affidavit of Paul Eggers. There are 2,659 ~~providers~~ ^{records} listed on Exhibit 1.



GEOFFREY LEE

[illegible]

SUBSCRIBED AND SWORN to before me by Geoffrey Lee, on the 7th day of March, 2008.

Melanie M. Gray
Notary Public

My Commission Expires: 7-5-11

Universal Care of Tennessee in Liquidation
P.O. Box 282408
Nashville, TN 37228
(615) 277-0700 Fax (615) 277-0710

Acknowledgement of Hand Delivery

Universal Care of Tennessee in Liquidation acknowledges receipt of materials by hand delivery from:

RICHARD W. FLORES
Individual Delivering

on behalf of:

LIFEPONT HOSPITALS: ATHENS HOSPITAL
Company/Organization LIVINGSTON "
HILLSIDE "

Received by: Geoffrey Lee
Print Name

[Signature]
Signature

Received On: 6/15/04 2:30 pm
Date

Original to representative
Copy to file

